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PABST PATENT GROUP

NO. 7477 P. 4

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MAR 31 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: Jennifer M. Kim

For: *CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REFUND OF FEES PAID IN EXCESS

Sir:

Pursuant to 37 C.F.R. §1.26, Applicants hereby Petition for Refund of excess Extension of Time Fees charged in connection with the above-referenced application. Applicants filed a Notice of Appeal on August 20, 2005 with a petition for a two-month extension of time and authorized the Commissioner to charge \$475.00, which is the sum of the fee for a Notice of Appeal (\$250.00) and a two-month extension of time (\$225.00) for a small entity, to Deposit Account No. 50-3129. Applicants filed an Appeal Brief with a petition for a one month-extension of time on November 30, 2005, and authorized the Commissioner to charge \$310.00, which is the sum of an Appeal Brief (\$250.00) and a one month extension (\$60.00) of time for a small entity (\$60.00), to Deposit Account No. 50-3129.

Deposit Account No. 50-3129 was charged \$250.00 on December 19, 2005, which is a correct charge.

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1

BU 98055 CON
077113/0004

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U.S.S.N. 09/765,491

Filed: January 18, 2001

PETITION FOR REFUND OF FEES PAID IN EXCESS

Deposit Account No. 50-3129 was charged \$250.00 and \$795.00 on March 21, 2006. These charges are incorrect and should be immediately refunded. The \$795.00 is the fee for a four-month extension of time. This is due to an erroneous conclusion by the Examiner that the Appeal Brief filed on November 30, 2005 did not comply with 37 CFR 47.37(c).

A review of PAIR establishes that the Appeal Brief was properly filed with the Appendices on November 30, 2005, as acknowledged by the Examiner. The Examiner only looked at one entry (which included the body of the Appeal Brief) and not the second (which included the Appendices). The Examiner was timely advised of this error but charged the Deposit Order Account anyway. Applicants should not be penalized for the Examiner's error.

On March 3, 2006, the Examiner mailed an Office Communication, indicating that the Appeal Brief filed on November 30, 2005 was defective for failure to meet the rules set forth under 37 C.F.R. 47.37(c). The Examiner noted that the Evidence Appendix and the Related Proceedings Appendix were missing from the Appeal Brief.

In a telephone conversation with the Examiner on March 31, 2006, Applicants' representative pointed out to the Examiner that the pages scanned in on November 30, 2005 and available for viewing using Private PAIR, contained the complete Appeal Brief, including the Evidence Appendix and Related Proceedings Appendix. However, the Evidence Appendix and Related Proceedings Appendix were located in a separate PDF file from the PDF file containing the remainder of the Appeal Brief. The PDF File entitled "Appeal Brief Filed" contained 20 pages of the Appeal Brief, and the PDF file entitled "Transmittal to TC" contained 4 pages including the Evidence Appendix, the Related Proceedings Appendix, and the Table of Contents

U.S.S.N. 09/765,491

Filed: January 18, 2001

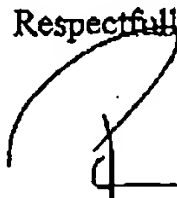
PETITION FOR REFUND OF FEES PAID IN EXCESS

(pages 21-23 of the Appeal Brief). During the call on March 31, 2006, the Examiner acknowledged that she had only reviewed the PDF file entitled "Appeal Brief Filed" with a page count of 20, and the filing on November 30, 2005 contained a complete Appeal Brief in accordance with 37 CFR 47.37(c).

For all of the reason set forth above, Applicants submit that the Appeal Brief as originally filed, was filed in accordance with 37 C.F.R. 47.37(c), and the excess Extension of Time fees should be refunded.

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,


Patrea L. Pabst
Reg. No. 31,284

Date: March 31, 2006
PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151
(404) 879-2160 (Facsimile)

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PABST PATENT GROUP

NO. 7477 P. 7

P. 1

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2/2

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PABST PATENT GROUP



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www.pabstpatent.com

TELEFAX

Date: November 30, 2005

Total pages: *Sent in 3 parts: 1st part 24 pages; 2nd part 51 pages; 3rd part 2 pages*
(including cover sheet)

To: US PTO

Telephone:

Telefax: 571-273-8300

From: Patrea L. Pabst

Telephone: 404-879-2151

Telefax: 404-879-2160

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: J. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Appeal Brief and Petition for Extension of Time.

Docketed for _____

3: *JP*
Date: *12-2-05*

(45082437.1)

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NO. 7477 P. 8

P. 1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 09/765,491

Art Unit: 1617

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Examiner: J. Kim

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Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Appeal Brief and Petition for Extension of Time.

(45062437.1)

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NO. 7477 P. 9

P. 1

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arblser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: J. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Appeal Brief and Petition for Extension of Time.

(48082497.1)

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NO. 7477 P. 10

* * * COMMUNICATION RESULT REPORT (MAR. 1. 2006 7:13PM) * * *

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jack L. Arbiser

Serial No.: 09/765,491

Art Unit: 1617

Filed: January 18, 2001

Examiner: J. Kim

For: CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS

Attached Items:

Transmittal Form PTO/SB/21; Fee Transmittal PTO/SB/17; Response and copy of Appeal
Brief with references

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(43084800.1)

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Examiner: Jennifer M. Kim

For: *CURCUMIN AND CURCUMINOID INHIBITION OF ANGIOGENESIS*

Attachments:

Transmittal Form PTO/SB/21

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Petition for Refund of Fees Paid in Excess

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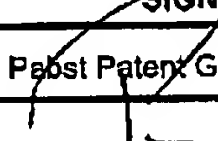
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/765,491	
	Filing Date	January 18, 2001	
	First Named Inventor	Jack L. Arbiser	
	Art Unit	1617	
	Examiner Name	Jennifer M. Kim	
Total Number of Pages in This Submission	9	Attorney Docket Number	EU 98055 CON

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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition for Refund of Fees Paid in Excess	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Pabst Patent Group LLP	
Signature		
Printed name	Patrea L. Pabst	
Date	March 31, 2006	Reg. No. 31,284

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4518).

FEE TRANSMITTAL
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	09/765,491
Filing Date	January 18, 2001
First Named Inventor	Jack L. Arbiser
Examiner Name	Jennifer M. Kim
Art Unit	1617
Attorney Docket No.	EU 98055 CON

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$)

- 20 or HP = x = Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x = Fee Paid (\$)

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3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY

Signature	Registration No. (Attorney/Agent) 31,284	Telephone 404-879-2151
Name (Print/Type) Patrea L. Pabst		Date March 31, 2006

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